

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:)
) Case No. 08-41605
Rickey Dale Atterberry,)
) Chapter 7
Debtor.)

MOTION TO WITHDRAW

Gregory K. Allsberry, L.C., respectfully requests leave of Court to withdraw as counsel for Debtor, Rickey Dale Atterberry. The grounds for the motion are set forth herein:

1. This case was filed on March 11, 2008 under Chapter 13.
2. The case was converted to Chapter 7 on April 27, 2011.
3. Schedules, a Statistical Summery, a Statement of Financial Affairs, and a Chapter 7 Statement of Current Monthly Income and Means Test Calculation Form are due to be filed by May 11, 2011.
4. Despite several requests from counsel, Debtor has failed and/or refused to provide counsel with documents and information needed to verify Debtor's current employment or income.
5. In updating his schedules, Debtor has provided information to counsel which, upon information and belief, is materially false and/or incomplete.
6. Missouri Rule of Professional Conduct 4-1.2(f) prohibits a lawyer from assisting a client in conduct that the lawyer knows is fraudulent. Missouri Rule of Professional Conduct 4-3.3(a) prohibits a lawyer from knowingly making a false statement of fact to a tribunal.

7. 11 U.S.C. Sec. 526 (a)(2) prohibits an attorney from making any statement in a bankruptcy case that is untrue and misleading, or that upon the exercise of reasonable care, should have been known to be untrue or misleading.

8. Other than the fees which counsel received through the Chapter 13 plan, counsel has neither requested nor received any fees in connection with conversion of this case to Ch. 7, or subsequent proceedings. Debtor has not paid counsel a retainer or any advance fees.

WHEREFORE, counsel respectfully requests that the Court grant counsel's motion to withdraw, and enter such additional orders as are just and proper.

THE ALLSBERRY LAW FIRM

/s/ Gregory K. Allsberry
GREGORY K. ALLSBERRY, L.C.
MBEN 31949 Federal 31949MO
P.O. Box 184
615 East Cherry
Troy, MO 63379
Telephone: (636) 462-3100
Telecopier: (636) 528-5500
allslaw@nothnbut.net

CERTIFICATE OF SERVICE

A copy of the foregoing was sent electronically by CM/ECF or by first class mail, postage prepaid on 5-9-11 to:

Office of the US Trustee
Thomas F. Eagleton US Courthouse
111 South 10th Street, Suite 6353
St. Louis, MO 63102

Kristin J. Conwell, Trustee
Conwell Law Firm LLC

P. O. Box 56550
St. Louis, MO 63156

Rickey Dale Atterberry
4025 Oakwood Dr.
Apt # 611
Chattanooga TN 37416

Rickey Dale Atterberry
P. O. Box 573
Maugansville, MD 21767
